

50T5474.01

**REMARKS**

Claims 1-6 and 14-18 are now pending in the application. Claims 7-13 have been canceled. Claims 1 and 14 are the only independent claims. Consideration of this application in view of the foregoing amendments and the following remarks is respectfully requested.

**REJECTION UNDER 35 USC Sec. 102(c)**

Claims 1-18 were rejected under 35 U.S.C. 102(c) as being anticipated by Zhao et al. (US 2004/0204135 A1) (hereinafter referred to as "Zhao"). In light of the following comments, this rejection is respectfully traversed and reconsideration is requested.

Independent Claim 1 is directed to a method of creating a ring tone file, comprising the acts of receiving on a handset an electronic data file comprising a master audio recording, receiving on the handset a ring tone start designation for a first time during an output of the master audio recording, receiving on the handset a ring tone stop designation for a second time during the output of the master audio recording, creating a ring tone file from a portion of the electronic data file defined by the start designation and the stop designation, the ring tone file solely comprising a temporally contiguous portion of the master audio recording, and making the ring tone file available for selection by a user.

Independent Claim 14 is directed to a method of manufacturing a wireless handset, comprising the acts of configuring the handset to receive an electronic data file comprising a master audio recording, configuring the handset to receive a first user input, wherein the first user input enables the user to input a ring tone start designation for a first time during an output of the master audio recording, configuring the handset to receive a second user input, wherein the second user input enables the user to input a ring tone stop designation for a second time during the output of the master audio recording, configuring the handset to create a ring tone file from a portion of the electronic data file defined by the start designation and the stop designation, the ring tone file solely comprising a temporally contiguous portion of the master audio recording, and configuring the handset to make the ring tone file available for selection by the user.

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Applicant submits that Zhao does not teach or suggest “receiving on the handset a ring tone start designation for a first time during an output of the master audio recording” (Claim 1) or “configuring the handset to receive a first user input, wherein the first user input enables the user to input a ring tone start designation for a first time during an output of the master audio recording” (Claim 14).

The Final Action directs Applicant to “Paragraph 44, lines 1-8 and paragraph 25, lines 1-7” for allegedly providing such teaching – however, Zhao, and these particular sections of Zhao, *do not in any way, teach or suggest the elements noted above.*

As explained in detail in Applicant’s specification as filed, a user enters a desired elapsed time (e.g. number of seconds) as a ring tone stop designation (para. [0019]) then, as the master audio recording is output, the user “listens to the output and operates user interface 20 to enter a ring tone start designation” (para. [0021]).

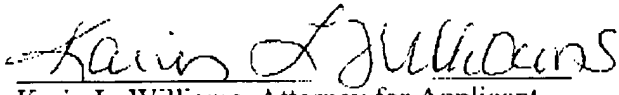
Zhao on the other hand, fails to teach or suggest receiving a “START” designation “during an output of the master recording”. Paragraphs [0043] and [0044] of Zhao describe receiving and recording “stop” times - but not “start times - during output of the master audio recording”. Rather in Zhao, a user simply selects the format for background music and our graphic format (para. [0042]) - and then, once selected, “in step 265, the edited/recorded files are played” (para. 43, lines 17-18). Only then can the user select “stop” using user interface 60 to “edit” the multimedia content. The stop time is recorded such that “if the stop time is T1, the *playback time for the music1.mid and graphic1.jpg is from 0 to T1* (para 44). This does not provide a teaching in which a start designation is received during output of a master audio recording.

Accordingly, Applicant respectfully submits that independent Claims 1 and 14 are patentable over Zhao and reconsideration is requested. Dependent Claims 2-6 and 15-18 are believed to be patentable over the cited art as depending from one or the other of the independent claims, and as reciting additional patentably distinct limitations.

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Applicant, therefore, submits that all claims are patentable over Zhao and that the application is in condition for allowance. If a telephone conference would facilitate examination of this application in any way, the examiner is invited to contact applicant's attorney. The Examiner's consideration of this matter is gratefully acknowledged.

Respectfully submitted,  
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